

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:
Broadcast Localism

)
) MB Docket No. 04-233
)

TO: Office of the Secretary
ATTN: The Commission

COMMENTS OF THE ARKANSAS BROADCASTERS ASSOCIATION

Introduction and Summary

The Arkansas Broadcasters Association respectfully submits comments in response to the Notice of Inquiry of the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding, released July 1, 2004, concerning broadcast localism.¹

Localism is alive and well. This is true not only because licensees have a legal obligation to “air programming that is responsive to the interests and needs of their communities of license,”² but localism is alive and well because the market demands it.

What sets local broadcasters apart from other electronic media is that they serve distinct markets and places. Cable or satellite-delivered programming and webcasting can come from anywhere and have no inherent sense of place. But, local broadcasters are, by their very nature, somewhere in particular.

They are active players in the lives of their communities. This is true because a broadcast station’s audience is inherently local, even if all of a station’s programming is not locally-produced. Local audiences can change stations – or move to a different

¹ 19 FCC Rcd 12425 (2004).

² *Id.* at ¶1.

medium or delivery mechanism— if their interests are not served. If a local station is not providing the most relevant programming for its listeners, its programming is no longer distinctive – and its competitive position will be diminished.

In less populous states, such as Arkansas, many local stations have traditionally provided – and continue to provide – the communications centerpoints for their communities. Whether broadcasting local news, weather, emergency information, local sports, or school lunch menus, their business success depends on serving as the voices of their communities. Local broadcasters have always been committed to this role and are working to expand it.

As non-broadcast competitors aggressively vie for both radio and television audiences, this traditional mission has also become a significant competitive advantage for local broadcasters. Audiences in automobiles now have the ability to listen to nationally-distributed satellite radio instead of local radio, just like television viewers have been able to switch, for a generation now, from broadcast to non-broadcast channels on cable or DBS. Indeed, satellite radio subscriptions are increasing rapidly.³ The recent well-publicized migration of popular programming to such services from over-the-air distribution underscores this growing competition. Local broadcaster's traditional position at the centerpoint of a community's communications needs now also provide them with an edge in an ever more competitive marketplace.

³ Although satellite radio is in its infancy, its subscriber base is growing rapidly. See Press Release, XM Satellite Radio, XM Satellite Radio Exceeds 2,500,000 Subscribers In Third Quarter, (Oct. 1, 2004), at 3. Available at <http://www.xmradio.com/newsroom/screen/pr_2004_10_01.html>; Press Release, Sirius Satellite Radio Surpasses 600,000 Subscribers (Sep. 6, 2004), at <<http://www.sirius.com/servlet/ContentServer?pagename=Sirius/CachedPage&c=PresReleAsset&cid=1094570181801>>.

Television stations have lived with this reality for a generation now in the face of growing competition from mainly national programming carried on channels distributed only via such multichannel video production distributors (MVPDs) as cable and DBS that now serve over 85 percent of U.S. households. During this period, many local television stations have increased local news blocks and other programming responsive to local needs – not because of any mandates, but because success in the market demands the distinctiveness that broadcast localism brings in the competition for audiences. Localism has always been and will continue to be important to broadcasters.

It is important for the Commission to remain cognizant of these facts and enforce rigorously the bar on satellite radio delivery of local programming. Localism was always a part of local broadcasters' agenda. Now, it is also a marketplace necessity. If the Commission intends to protect the public interest in free over-the-air local broadcasting, it must not allow cherry-picking of local programming audiences by distant satellite-delivered services.

Localism is a significant public interest. Local free over-the-air broadcasters provide it. The FCC must nourish, support and protect these efforts – not by imposing expensive one-size-fits-all mandates, but by providing a regulatory framework that allows broadcasters to respond to the strong community demand for localism. Broadcasters have been doing this for more than three-quarters of a century, and have every incentive to continue this time-honored tradition because local broadcast audiences respond to it.

Broadcasters Ascertain Community Interests and Needs

Local broadcasters are constantly assessing the interests and needs in their communities in order to give audiences what they cannot find elsewhere. This

ascertainment comes in many forms – and is pursued by broadcasters, both large and small, commercial and noncommercial. Examples abound.

Many stations report regularly scheduled meetings with local elected and appointed officials to assist in taking the pulse of their communities. Some conduct formal or ad-hoc listener surveys. In a number of instances, station managers and other personnel sit on various boards, committees, councils and commissions. This is especially true in more sparsely-populated areas where community functions depend on community participation in often voluntary public efforts.

For instance, staff members from the Clear Channels radio stations of Jonesboro⁴ regularly participate in such community groups as the United Way, the Rotary Club, the Jonesboro Jaycees, the Jonesboro Chamber of Commerce, the North East Arkansas Food Bank, the Special Olympics of Arkansas, Leadership Jonesboro and the American Cancer Society's local chapter.

Searcy Broadcasting, Inc., the licensee of KBGR, Beebe, conducts regular meetings with local government officials and project coordinators, as well as social services providers to identify issues of importance in the local area. Similarly, staff members from KBJT and KQEW of Fordyce attend weekly meetings with such local officials as the Mayor, Police Chief, Sheriff, Justices of the Peace and Aldermen. The manager of KNWA, Bellefonte, and KCWD, Harrison, is a member of a local city council and has served on a number of local boards and committees.

The general manager of KFSM-TV of Fort Smith serves on the board of the local United Way affording the station contact with numerous groups and agencies in the community. KFSM-TV also appeals directly to members of the public for community

⁴ KFIN, KIYS, KBZR, KNEA and KBTM.

feedback. The station website provides a direct email contact system. It also maintains an 800-line for viewer input and makes regular announcements on the station providing contact information. Station staff members respond to such community input.

In addition to employee service on the boards of various non-profit organizations and community groups, KHBS-TV, Fort Smith, and KHOG, Fayetteville, conduct web-based polls to ascertain the issues of importance in the community.

KTHV(TV) of Little Rock has a standing policy to answer every email, letter and call. It also keeps track of those public communications and uses the information gained from them to shape its broadcasting plans.

Many stations, especially public radio stations, have established community advisory boards. It is not only the right thing to do, but is, as discussed above, good business. The “local” in local broadcasting is what distinguishes free over-the-air broadcasters from their competitors. It is their duty. It also makes good business sense. Ascertaining what local communities want and need is part of that business imperative – and local broadcasters are doing what is necessary to compete with a multitude of media options that did not exist a generation or, in some instances, even a decade ago. Quite simply, if local broadcasters were not locally connected, they would lose audience, and their businesses would suffer.

**Local News and Public Affairs Programming Represents a Core Value; Providing
Emergency Information is Significant to this Commitment**

As the centerpoint of a community’s communications, a local broadcaster provides local news, information and public affairs. Such efforts serve as an important competitive counterpoint to the distant nationally-distributed services that dominate MVPD programming and represent the only permissible programming on satellite radio.

Arkansas's broadcasters were among the first to establish an Amber Alert program, in early 2001. Since that time, the state's broadcasters have issued 41 Amber Alerts.

Local news, weather and sports are regular features of most broadcast stations' days. Depending on format or community served, the state's broadcasters provide different levels of news and public affairs programming, but when the public needs to know, the state's broadcasters stand ready to provide that knowledge.

KTHS and KTHS-FM of Berryville devote 30 percent of their broadcast days to news and information programming, including traditional newscasts and community bulletin board features. Local education and local arts coverage is included in the scope of the stations' local news and information programming. Important localized weather and other emergency information is a part of this effort.

KFSM-TV provides more than 26 hours of live local news programming each week – accounting for 20 percent of its air schedule. One of the station's DTV streams provides live weather radar, while another provides "NC5," a localized news service that was previously available only to cable subscribers.

KHTV devotes about 17 percent of its weekday broadcast schedule to news. It also produces several specials each year on issues of importance in the community. Recent examples included a 30-minute program on severe weather dangers. As conditions warrant, KHTV also will break into programming with weather and other emergency alerts – whether or not EAS has been activated.

KVSA, which serves the rural area in and around McGehee, provides extended agricultural reports that include weather information, market updates, and other material of significance to farmers. This information of particular local significance is part of a larger

commitment from this station that devotes almost a third of its broadcast day to news, information, public affairs and local arts and entertainment.

KBJT and KQEW broadcast an hour-long locally-produced news program each weekday morning and a half hour on weekends. The stations provide live broadcasts of the local school board, city council and Quorum Court meetings. Each meeting is 1-2 hours long and is broadcast in its entirety.

Even stations with fewer than five full time employees are committed to local news, information and public affairs. For instance, KMTC of Russellville provides local news for five minutes during each hour, as well as a weekday community calendar that covers, arts, entertainment, education, and events of public interest.

Stations with other types of formats also serve as important sources of local programming including news and public affairs. For instance, the Clear Channel Stations of Jonesboro devote about ten percent of their broadcast days to such programming.

Overall, the state's local broadcasters are providing news, emergency information and local sports, arts and entertainment coverage. In areas with multiple services, not every station attempts to market itself as all things to all people, but local broadcasters still remain at the centerpoint of a community, not because of mandates, but because it is good business. Localism is what sets them apart – and leads audiences to seek them out.

Beyond EAS: Emergency Information to Protect Life and Property

Emergency Alerts are important, but Arkansas's broadcasters go beyond mere compliance with the EAS rules. In times of local need and/or crisis, listeners turn to local broadcasters to keep them updated on protecting life and property – and broadcasters all over the state break away from normal programming to provide what only a local

broadcast service can: localized information. As noted, local stations serving as a community's communications centerpoint provide such information as a matter of course. People rely and regularly tune into their local broadcasters to help them steer clear of trouble, expecting to be informed of what is most immediately relevant and important. Many stations hold regular meetings with local first response officials to ensure that when trouble strikes, the public will be informed quickly and accurately –with greater speed or depth than is provided through mere EAS compliance.

Community Service Is an Important Element of the Broadcast Industry's Business

A survey, conducted as part of a national project,⁵ found that Arkansas broadcasters contributed about 227 million dollars worth of service to their communities in 2003. This included the broadcast of public service announcements ("PSAs"), direct fundraising efforts for charitable projects, and other direct or in-kind donations. Broadcast stations have often played a major role, from their perches at the centerpoint of community life, to garner assistance for victims of local disasters.

Broadcast stations have also been a lynchpin in public awareness campaigns concerning a host of issues from AIDS to poverty. A copy of the Arkansas Public Affairs Summary describing these efforts is attached hereto as Exhibit A.

Specific programs vary from station to station, but a typical example of such community service involvement is seen at KFSM-TV, which reserves almost all of its 312 weekly PSA slots for local and state matters. The station also sponsors a school supply drive to aid needy students, and airs a weekly Crimestoppers report produced with various

⁵ The survey was conducted by Public Opinion Strategies of Alexandria, Virginia, for the National Association of Broadcasters, in cooperation with the Arkansas Broadcasters Association.

local police departments. The Clear Channel stations of Jonesboro provide station vehicles, entertainment, prizes and refreshments to at least one community event per week, many of which involve charitable fundraising. In smaller communities, stations such as KFFA and KFFA-FM of Helena directly sponsor charity events and offer airtime for fundraising activities. All over the state, broadcasters donate spot time for local charities and civic groups, as well as provide information about various community activities through community bulletin board spots and features.

These are but a few examples of broadcasters doing good and, in the process, doing well by cementing relationships in their communities.

Broadcasters Serve Minorities Together with their Communities' Majorities

In metropolitan areas, broadcasters serve both niche markets and the broader community. Some do it through programming, others through news and public affairs, and others still through public service. Even in smaller, more rural markets – where few stations operate – broadcasters reach out to minorities.

10 stations in Arkansas have formats specifically targeted to African-Americans. Five stations have Spanish language formats.

In television, KSFM-TV has introduced a weekend news program in Spanish on one of its DTV streams, while KTHV is offering Spanish interpretation of its 10 o'clock news program. KTHV is also a sponsor of the Arkansas Black Hall of Fame and EMOBA - Museum of Black Arkansans.

In radio, the Clear Channel stations of Jonesboro, for instance, run Spanish language commercials and promotes such commemorations as Black History Month on the air. KVSA, a rural station, helps promote economic assistance programs and health fairs

targeted to minorities, while KMTC of Russellville provides air time to the noted African-American minister, Creflo Dollar.

Conclusion

Arkansas's local broadcasters respond to the need for localism in their broadcasting activities first, because it is the right thing to do, and also because it makes good business sense in the multichannel, multimedia universe. It is their sense of place and their connections to their communities that give them a distinctive edge in their competition with electronic mass media delivered by other means. The Commission need not intercede because broadcasters have long been a communications centerpoint in their communities, and marketplace realities keep localism as an imperative for broadcast stations.

Respectfully submitted,
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October 29, 2004

EXHIBIT A

Arkansas Public Affairs Summary

Introduction

Broadcasters have a mandate to serve the public interest of the communities in which they operate. Given the diversity of communities in the United States, there is a multitude of needs which could be and are addressed over the public airwaves by broadcasters. Indeed, broadcasters are recognizably in a very unique position – every station in the country is a local station and very much a part of the community it is licensed to serve.

Public affairs activities are an integral part of broadcast stations' community involvement. Through public affairs activities, stations help increase awareness of issues that affect their audiences. Radio and television broadcasters invest both programming and non-programming time and efforts to educate and involve their communities. Programming activities include, but are not limited to, public service announcements wherein stations donate valuable commercial time for messages alerting the public about health threats and other issues. Stations also produce public affairs programs featuring in-depth discussions of problems and remedies. In addition to these programming efforts, broadcasters initiate or are involved in many activities and community groups aimed at educating and involving their communities.

While the ways in which broadcasters are involved in their communities may seem similar, every local broadcaster's efforts are different. Public service campaigns undertaken by stations nationwide integrate on-air and off-air efforts. Additionally, since each station cannot address every need of its given community as its top priority, stations each focus on different needs, thus addressing overall the diversity of issues within a community. In any given community, the local broadcasters' unique responses and approaches to the diversity of issues is also supplemented by major national efforts.

Our state association, in partnership with the National Association of Broadcasters, conducted a survey of television and radio stations in Arkansas to determine the extent of station participation in public affairs activities. A variety of methodologies were employed to reach stations – with mail, fax, and Internet surveys sent out between January and April 2004. The response rate of Arkansas broadcasters was 42%, as 12 of the 19 commercial television stations licensed to the state (63%) are represented in the data, as are 90 of the 225 radio stations (40%).

The census revealed that Arkansas radio and television stations contributed approximately 227 million dollars worth of service to their communities during 2003. The data were collected, tabulated and analyzed by Public Opinion Strategies, an Alexandria, Virginia-based opinion research firm.

Donating Time, Raising Money, and Responding to Community Needs

- ✓ Using mean figures to derive a per-station total, responding Arkansas TV stations report running approximately 408 PSAs per week, with radio stations running 217. These figures combine all PSA spot times – from ten seconds or less up to 60 second PSAs. Using the reported rate charged for each of these spot lengths, these PSAs translate into a mean cumulative amount of \$3,382,860 a year per TV station responding, and \$420,836 per radio station responding.

The cumulative statewide totals based on these data show the total PSA value for Arkansas TV stations as \$64,274,340 and \$94,688,100 for radio stations.

- ✓ More than nine-in-ten responding broadcast stations (96%) say they help charities, charitable causes or needy individuals by fund-raising or offering some other support. The mean amount raised by TV stations in the state was \$3,747,500, with responding radio stations reporting a mean of \$89,511. The projected cumulative amounts for this charitable giving is \$47,705,675 for TV stations and \$19,938,575 for radio stations who conducted some fundraising during the time period examined.

The charitable amount raised by responding TV stations ranged from \$495,000 up to \$7,000,000, with a range among radio stations of \$2,000 to \$1,200,000.

- ✓ More than half of responding Arkansas radio stations (51%) and one-third of TV stations (33%) were involved in either on-air campaigns – either through local news broadcasts, PSAs, or public affairs programming – or off-air activities to aid the victims of disasters.

As one of the results of these efforts, broadcasters in the state reported raising over \$706,000 in direct contributions or pledges related to disaster relief during 2003.

- ✓ PSAs also focus largely on local issues. Among responding TV stations, respondents say that an average of 48% of PSA time is devoted to local issues; the percentage of PSAs devoted to local issues among responding radio stations was 56%.

Broadcasters Addressing Important Topics

- ✓ The following table examines some specific issues and the response by responding stations. As in previous years, broadcasters continue to devote time and resources to addressing important and relevant topics.

Each respondent was asked to respond whether their station aired PSAs, locally produced public affairs programs/segments (not including news broadcasts), or news segments on each of the following topic areas. The numbers here are the percentages of all state TV and radio stations who say they have addressed a particular topic through one of those methods:

Issue	TV			Radio		
	PSA	PA Program	News Segment	PSA	PA Program	News Segment
AIDS	44%	0%	44%	60%	26%	66%
Alcohol abuse	67%	0%	44%	91%	57%	65%
Adult educ./literacy	78%	33%	56%	92%	66%	70%
Anti-crime	89%	22%	56%	85%	60%	69%
Anti-smoking	89%	33%	44%	82%	42%	66%
Anti-violence	67%	11%	56%	89%	65%	72%
Breast cancer/other women's health	89%	33%	56%	93%	65%	76%
Children's issues	89%	22%	44%	85%	65%	73%
Drinking during pregnancy	56%	11%	33%	25%	27%	51%
Drunk driving	89%	11%	44%	98%	70%	68%
Drug use/abuse	78%	11%	44%	94%	76%	70%
Homeland security issues	44%	33%	44%	73%	57%	63%
Hunger/poverty/homelessness	78%	11%	44%	76%	50%	67%
Fund raising drives	78%	22%	56%	97%	89%	58%

Promoting Participation

- ✓ Fully 53% of responding broadcast stations report airing public affairs programs of at least 30 minutes in length.
- ✓ The leading topics of public service campaigns by Arkansas broadcasters in 2003 included health and disease issues (such as cancer), poverty/hunger/ homelessness issues, armed forces/military, children's charities, and reading and adult education. Some primary recipients included the American Cancer Society, Arkansas Children's Hospital, Race for the Cure, United Way, and The Salvation Army.

Methodology Notes

Continuing our participation on this project with the National Association of Broadcasters, a number of continued refinements were made from 2001, including the addition of issues such as anti-smoking and homeland security matters as possible topics for news segments, public affairs programming, and PSAs. Market size and revenue data for stations was linked to survey data, allowing for more precise weighting and sample procedures.